

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/10/15
A Bill

HOUSE BILL 1419

By: Representatives McNair, Hickerson, Lampkin, Ratliff

By: Senator B. Pierce

For An Act To Be Entitled

AN ACT CONCERNING THE PARTICIPATION OF A MEMBER OF A SCHOOL DISTRICT BOARD OF DIRECTORS WHEN THE MEMBER IS NOT PHYSICALLY PRESENT AT THE MEETING; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE PARTICIPATION OF A MEMBER OF A SCHOOL DISTRICT BOARD OF DIRECTORS WHEN THE MEMBER IS NOT PHYSICALLY PRESENT AT THE MEETING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-13-619(c) and (d), concerning meetings of school district boards of directors, are amended to read as follows:

(c)(1)(A) A Except as provided under subsection (d) of this section, a board member shall be physically present at a meeting to be counted for purposes of a quorum or to vote.

(B) If a quorum is not established or maintained, a vote shall not be taken until a quorum is established or restored.

(C) A majority of a quorum voting affirmatively is required for the passage of any motion or resolution.

(D) Any member who abstains from voting shall be counted as having voted against the motion or resolution.

(E)(i) If a member announces a conflict of interest with regard to an issue, the member may leave the meeting until the voting on the



issue is concluded.

(ii) A member who leaves a meeting due to a conflict of interest:

(a) Shall not be counted in the board's vote;
and

(b) Shall not be considered present for the purpose of establishing a quorum until the member returns to the meeting after the vote.

(2) Except as provided under subdivision (c)(1)(E)(ii) of this section, for the purposes of this section, a quorum shall be a majority of *the membership of the board of directors.*

(3) A quorum of the board of directors must be physically present for the board to enter an executive session.

~~(d)(1) Any member of the board of directors who misses three (3) regular and consecutive board of directors meetings during a school year for any reason other than military service of the member or illness of the member verified by a written sworn statement of the member's attending physician may be removed from office by a majority vote of the remaining board members, but only after an opportunity for a hearing before the board of directors upon fifteen (15) days' notice received by personal delivery or by certified mail with the return receipt signed by the addressee only requested~~ The board may adopt a policy permitting a member of the board of directors who is unable to be physically present at a meeting to attend the meeting remotely.

~~(2) If the board of directors takes action to remove the member from office, the remaining members shall then appoint another individual to serve until the next annual school election, when electors shall select in the usual manner a director to serve the unexpired term of the removed member~~ For a member of the board of directors that attends a meeting remotely to be counted for a quorum and to vote, the method used to permit the member of the board of directors to attend remotely shall:

(A) Provide a method for the president of the board of directors or the secretary of the board of directors to verify the identity of the member of the board of directors attending remotely;

(B) Allow members of the board of directors that are present and members of the public to hear the member of the board of directors attending remotely at all times; and

(C) Allow a member of the board of directors attending remotely to hear the members of the board of directors present at the meeting and any public comment at all times.

(3) A member of the board of directors attending remotely shall not:

(A) Attend an executive session or closed hearing remotely;
or

(B)(i) Vote on an issue that is the subject of an executive session or closed hearing.

(ii) A board member's inability to vote on an item discussed in executive session shall be treated the same as if the board member had left the room under subdivision (c)(1)(E) of this section.

(4)(A) Up to three (3) times per calendar year the board of directors may count a board member attending remotely for the purpose of establishing a quorum.

(B) A board member attending remotely that is used to establish a quorum under subdivision (d)(4)(A) of this section shall not be counted to determine if the board may enter executive session under subdivision (c)(3) of this section.

/s/McNair